

grams and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

§ 6456. Accountability

The State educational agency may—

(1) reduce or terminate funding for projects under this subpart if a local educational agency does not show progress in the number of children and youth attaining a regular high school diploma or its recognized equivalent; and

(2) require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of children and youth returning to school, attaining a regular high school diploma or its recognized equivalent, or attaining employment after such children and youth are released.

(Pub. L. 89-10, title I, §1426, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1590; amended Pub. L. 114-95, title I, §1401(13), Dec. 10, 2015, 129 Stat. 1905.)

PRIOR PROVISIONS

A prior section 6456, Pub. L. 89-10, title I, §1426, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3600, related to accountability, prior to the general amendment of this subchapter by Pub. L. 107-110.

AMENDMENTS

2015—Par. (1). Pub. L. 114-95, §1401(13)(A), substituted “the number of children and youth attaining a regular high school diploma or its recognized equivalent” for “reducing dropout rates for male students and for female students over a 3-year period”.

Par. (2). Pub. L. 114-95, §1401(13)(B), substituted “attaining a regular high school diploma” for “obtaining a secondary school diploma” and “attaining employment” for “obtaining employment”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

SUBPART 3—GENERAL PROVISIONS

§ 6471. Program evaluations

(a) Scope of evaluation

Each State agency or local educational agency that conducts a program under subpart 1 or 2 of this part shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age while protecting individual student privacy,¹ not less than once every 3 years, to determine the program’s impact on the ability of participants—

(1) to maintain and improve educational achievement and to graduate from high school

in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate, if applicable;

(2) to accrue school credits that meet State requirements for grade promotion and high school graduation;

(3) to make the transition to a regular program or other education program operated by a local educational agency or school operated or funded by the Bureau of Indian Education;

(4) to complete high school (or high school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and

(5) as appropriate, to participate in post-secondary education and job training programs.

(b) Exception

The disaggregation required under subsection (a) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(c) Evaluation measures

In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

(d) Evaluation results

Each State agency and local educational agency shall—

(1) submit evaluation results to the State educational agency and the Secretary; and

(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

(Pub. L. 89-10, title I, §1431, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1591; amended Pub. L. 114-95, title I, §1401(14), Dec. 10, 2015, 129 Stat. 1905.)

PRIOR PROVISIONS

A prior section 6471, Pub. L. 89-10, title I, §1431, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3600, related to program evaluations, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1431 of Pub. L. 89-10 was classified to section 2831 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95, §1401(14)(A), (B), inserted “while protecting individual student privacy,” after “age” in introductory provisions and substituted “high school” for “secondary school” wherever appearing.

Subsec. (a)(1). Pub. L. 114-95, §1401(14)(C), inserted “and to graduate from high school in the number of years established by the State under either the four-year adjusted cohort graduation rate or the extended-year adjusted cohort graduation rate, if applicable” after “educational achievement”.

Subsec. (a)(3). Pub. L. 114-95, §1401(14)(D), inserted “or school operated or funded by the Bureau of Indian Education” after “local educational agency”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

¹ So in original.

grams and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

§ 6472. Definitions

In this part:

(1) Adult correctional institution

The term “adult correctional institution” means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.

(2) At-risk

The term “at-risk”, when used with respect to a child, youth, or student, means a school aged individual who is at-risk of academic failure, dependency adjudication, or delinquency adjudication, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system or child welfare system in the past, is at least 1 year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.

(3) Community day program

The term “community day program” means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

(4) Institution for neglected or delinquent children and youth

The term “institution for neglected or delinquent children and youth” means—

(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

(Pub. L. 89-10, title I, §1432, as added Pub. L. 107-110, title I, §101, Jan. 8, 2002, 115 Stat. 1591; amended Pub. L. 114-95, title I, §1401(15), Dec. 10, 2015, 129 Stat. 1905.)

PRIOR PROVISIONS

A prior section 6472, Pub. L. 89-10, title I, §1432, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3601, defined terms for this part, prior to the general amendment of this subchapter by Pub. L. 107-110.

A prior section 1432 of Pub. L. 89-10 was classified to section 2832 of this title, prior to the general amendment of Pub. L. 89-10 by Pub. L. 103-382.

AMENDMENTS

2015—Par. (2). Pub. L. 114-95 inserted “dependency adjudication, or delinquency adjudication,” after “failure,” inserted “or child welfare system” after “juvenile justice system”, and substituted “is an English learner” for “has limited English proficiency”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

PART E—FLEXIBILITY FOR EQUITABLE PER-PUPIL FUNDING

PRIOR PROVISIONS

A prior part E, consisting of sections 6491 to 6494, related to national assessment of subchapter I, prior to repeal by Pub. L. 114-95, title I, §1501(a)(1), Dec. 10, 2015, 129 Stat. 1905.

§ 6491. Flexibility for equitable per-pupil funding

(a) Purpose

The purpose of the program under this section is to provide local educational agencies with flexibility to consolidate eligible Federal funds and State and local education funding in order to create a single school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

(b) Authority

(1) In general

The Secretary is authorized to enter into local flexibility demonstration agreements—

(A) for not more than 3 years with local educational agencies that are selected under subsection (c) and submit proposed agreements that meet the requirements of subsection (d); and

(B) under which such agencies may consolidate and use funds in accordance with subsection (d) in order to develop and implement a school funding system based on weighted per-pupil allocations for low-income and otherwise disadvantaged students.

(2) Flexibility

Except as described in subsection (d)(1)(I), the Secretary is authorized to waive, for local educational agencies entering into agreements under this section, any provision of this chapter that would otherwise prevent such agency from using eligible Federal funds as part of such agreement.

(c) Selection of local educational agencies

(1) In general

The Secretary may enter into local flexibility demonstration agreements with not more than 50 local educational agencies with an approved application under subsection (d).

(2) Selection

Each local educational agency shall be selected based on such agency—

(A) submitting a proposed local flexibility demonstration agreement under subsection (d);

(B) demonstrating that the agreement meets the requirements of such subsection; and

(C) agreeing to meet the continued demonstration requirements under subsection (e).

(3) Expansion

Beginning with the 2019-2020 academic year, the Secretary may extend funding flexibility authorized under this section to any local edu-